



PARDALIS & NOHAVICKA, LLP
ATTORNEYS

May 3, 2019

VIA REGULAR MAIL

Jinder Bhogal a/k/a Jin B.
4174 Hill Terrace Dr
Reading PA 19608-9367

NOTICE OF INFRINGEMENT
NOTICE TO CEASE AND DESIST

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Dear Mr. Bhogal:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); deceptive acts and practices pursuant to New York General Law Section 349; and common law tort of invasion of privacy for unauthorized appropriation of our client's likeness.

Antetokounmpo, a/k/a the "Greek Freak," is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak," and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (registration pending before the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that your online store [<https://jinbartwear.com>] sells products (Tees, Hoodies and T-shirts) bearing illustrations of Antetokounmpo. The collection is called the "GREEK FREAK" collection. As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's

marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

Furthermore, this unlicensed use of Antetokounmpo's image and persona in connection with a product and in a manner that falsely implies Antetokounmpo's endorsement constitutes a violation of our client's right of publicity which is protected by the Lanham Act. The First Amendment in the area of artistic expression "cannot permit anyone who cries 'artist' to have carte blanche when it comes to naming or advertising his or her work, art though it may be." Artistic work which is false and misleading and creates confusion in the mind of consumers does not entertain the same level of constitutional protection.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than **five (5) days** from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" mark and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP

By:

Taso Pardalis